GOVERNMENT OF ANDHRA PRADESH
ABASTRACT

Public Services – Commissioner of Commercial Tax – Allegations of certain irregularity committed by Sri V. Surya Mohan Rao, DCTO-II, O/o. Commercial Tax Officer, Narasapuram (Retired on 31.08.2004) and two others – Departmental Proceedings initiated – Inquiry conducted – IR communicated - Show Cause Notice issued –representation received – Further action dropped subject to recovery of the amount of Rs.2,64 782/- and other dues if any – Orders - Issued.

REVENUE (VIGILANCE.II) DEPARTMENT

G.O.Rt.No.909 **Dated:04-09-2017**

Read the following:-

Ref:-1.From CCT Ref.No.V1/502/2007, Dt: 31-05-2007.
2.G.O.Ms.No.428, Rev(Vig.II) Dept, Dt.04.03.2009.
3.G.O.Ms.No.429, Rev(Vig-II) Dept., Dt.04.03.2009
4.G.O.Ms.No.405, Rev(Vig.II) Dept, Dt.04.03.2009,
(V.Surya Mohan Rao, DCTO-II, (retd.)
5.G.O.Ms.No.406, Rev(Vig.II) Dept, Dt.04.03.2009,
(V.Thimmaiah, ACTO (Retd.,)
6.G.O.Ms.No.408, Rev(Vig.II) Dept, Dt.04.03.2009,
(D.Sreerama Murthy, Jr.Asst.)
7. Govt Memo.No.24722/Vig.II(3)/2008-6,Dt.18.10.2010.
8. Representation of Sri V.Surya Mohan Rao, DCTO (Retd), Dt.13.11.2010
9.Govt.Memo No.24722/Vig.I(1)/08-9,Dt: 04-03-2011.(SCN V.Surya Mohan Rao,DCTO-II,(retd)&V.Thimmaiah,ACTO(Retd)
10.Representation of Sri V.Surya Mohan Rao dt.21-3-2011
11.Govt.Memo No.24722/Vig.I(1)/08-10,Dt: 24-05-2011.
12.From the CCT, Lr No.V1/502/2007, Dt.19.06.2012
13.Govt.Memo No.24722/Vig.I(1)/08-12 to 14, Dt: 13-09-2012.
14.Represenation of Sri V. Surya Mohan Rao, Dt.30.10.2012.
15.From CCT Ref.No.V1/502/2007,Dt: 29-11-2012.
16.Govt.Memo No.24722/Vig.I(1)/2008-16,Dt: 15-12-2012.
17.Govt.Memo No.24722/Vig.I(1)/2008-17,Dt: 09-12-2014.
18.From the CCT, Lr.No.V1/502/2007, Dt.06.04.2017.

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ORDER:

Whereas, as per the report received from the Commissioner of Commercial Taxes, vide reference 1st read above, Government have initiated common disciplinary proceedings against Sri V. Surya Mohan Rao, Deputy Commercial Tax Officer-II, O/o. Commercial Tax Officer, Narasapuram (Retired on 31.08.2004) along with two (2) other Commercial Tax personnel, vide reference 2nd to 6th read above, on the allegations of misuse of way bills in collusion with dealer Sri K. Nagaraju alias K.Nagaraju Prasad (M/s.Ganesh Traders, West Godavari District).

2. The charges framed against Sri V. Surya Mohan Rao, Deputy Commercial Tax Officer-II, (Retired on 31.08.2004) O/o. Commercial Tax Officer, Narasapuram, (Charged Officer-1) is as follows:

Charge: That Sri V. Surya Mohan Rao, Deputy Commercial Tax Officer (Retired) while functioning as Deputy Commercial Tax Officer-II Narasapuram, West Godavari District during the years 2002-2003 & 2003-2004 failed to watch filing of monthly returns and payment of taxes due thereon in stipulated time by M/s Ganesh Traders, Mogultur and failed to verify the utilization particulars of way bills at the time of issue of way bills with reference to account books triplicate copies and failed to watch carefully the trade activates of traders and contain malpractices of the dealers and failed to protect the State Revenue. Thus he exhibited lack of integrity and devotion to duty thereby contravened rule 3 of Andhra Pradesh Civil services (Conduct Rules), 1964.

Contd.2.

3. Sri V. Surya Mohan Rao, Deputy Commercial Tax Officer-II (Retired) O/o. Commercial Tax Officer, Narasapuram and two (2) charged officers have submitted their Written Statement of Defences denying the charges. After examination of the matter a regular enquiry was order to inquiry into the charges framed against all Charged Officers. The Inquiry Officer submitted the inquiry report stating that the charges framed against the charged officers are held proved. A copy of the Inquiry Report was communicated to the Charged Officers vide reference 7th read above and Sri V.Surya Mohan Rao, has submitted his representation vide reference 8th read above. Government, after examining the matter have provisionally decided to impose penalty on the charged officers. In respect of Sri V.Surya Mohan Rao, Deputy Commercial Tax Officer (Retired) it has been decided to impose a penalty of 25% cut in pension against him. Show Cause Notice has been issued to Sri V. Surya Mohan Rao, Deputy Commercial Tax Officer-II, (Retired) and he submitted his representation vide reference 10th read above.

4. Further, the Commissioner of Commercial Taxes vide letter in reference 12th read above, has stated that the loss caused due to misuse of way bills is Rs.5,29,563/- and when the amount was apportioned among the three Charged Officers, the apportioned amount to be recovered from Sri V. Surya Mohan Rao, Suspected Officer-1, (@50%) comes to Rs. 2,64, 782/-

5. Whereas the Government have issued further Show Cause Notices to three Charged Officers vide reference 13th read above for recovery of the said amount. In reply Sri V. Surya Mohan Rao, has submitted his representation vide reference 14th read above. Further, the Government, have requested Commissioner of Commercial Taxes to offer his specific remarks on the representation Sri V. Surya Mohan Rao, Deputy Commercial Tax Officer (Retired) regarding the total loss amount. The Commissioner of Commercial Taxes, vide letter in the reference 18th read above has concluded that the total tax due is Rs.5,29,563/-.

6. Whereas, the Government have examined the explanation of Sri V. Surya Mohan Rao, Deputy Commercial Tax Officer (Retired) in detail and observed that the charge was framed against him after the limitation of 4 years period of time as required under rule 9(2)(b) of Andhra Pradesh Revised Pension Rules, 1980. It is therefore decided to drop further action against Sri V.Surya Mohan Rao, the then Deputy Commercial Tax Officer-II (Retired) subject to recovery of apportioned loss amount from him. Accordingly, Government hereby order to drop further action against Sri V. Surya Mohan Rao, the then Deputy Commercial Tax Officer-II (Retired), O/o Commercial Tax Office, Narasapuram as the charge framed against him is time barred under rule 9 (2)(b) of Andhra Pradesh Revised Pension Rules, 1980, subject to recovery of apportioned loss amount of Rs. 2,64 782/- and other dues if any from him.

7. The Commissioner of Commercial Taxes shall take further action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

To
Sri V. Surya Mohan Rao, Deputy Commercial Tax Officer-II (Retired),
O/o Commercial Tax Office, Narasapuram (Through Commissioner of Commercial Taxes, Andhra Pradesh, Vijayawada)
The Commissioner of Commercial Taxes, Andhra Pradesh, Vijayawada.

Copy to:

The Deputy Commissioner, Commercial Taxes, Eluru,
West Godavari District.

Contd.,3

The Accountant General, Andhra Pradesh, Hyderabad.
The Director of Treasury and Accounts, Andhra Pradesh, D.No.7-57, Sri Anjaneya Towers, VTPS Road, Ibrahimpatnam, Vijayawada-521456.
The District Treasury Officer, Eluru, West Godavari District.
SC/SF.

//FORWARDED :: BY ORDER//

SECTION OFFICER